

## **REMARKS / ARGUMENTS**

In the present amendment, claims 20 - 23 are amended, and claims 25 and 26 added. Therefore, claims 1-26 are under consideration.

Applicants acknowledge with appreciation that the rejection of claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Tomongaga et al. (U.S. 4,222,128) has been withdrawn.

Applicants further express appreciation for the withdrawal of the restriction requirement and rejoining previously withdrawn claims 19-24.


Applicants note that claims 20 - 23 have been amended to address the new rejection under 35 U.S.C. § 112, second paragraph, of the current Office Action. The Office Action asserts that it is unclear if the limitation within the parenthesis of claim 21 are part of the claimed invention, and therefore, considers claims 21 and 23 as indefinite. In response, the limitation within the parenthesis "or said phosphate block and said calcium phosphate particles" have been deleted, and new dependent claims 25 and 26 have been added to claim this subject matter.

Applicants note the new rejection of claims 1-24 for obviousness type double patenting as being unpatentable over claims 1, 2, 5-7, 9, 11-13, 29, 31, and 32 of copending Application No. 10/621,680 (published as U.S. 2004/0071954 A1). However, the rejection is moot in view of the filing of the concurrently transmitted Terminal Disclaimer and corresponding fee.

**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to telephone the undersigned at the telephone number below.

Respectfully submitted,  
Tsuneo HIRAIDE et al.

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", written over a horizontal dashed line.

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